THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1173_of 1999

Dated: 12.07.2006

Between
S.Harikrishna

…..Petitioner

and

1.The Asst. Labour Commissioner
Vijayawada, Krishna District.
and others.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1173_of 1999

ORDER:

This writ petition is filed seeking a Mandamus directing the 3rd respondent to continue the petitioner in service as Sub Staff (Messenger) at Tenali or at Repalle or in any other branches of 3rd respondent by regularizing the petitioner's services as per the direction of this Court in WP No.17333 of 1997 dated 7.4.1998 by paying regular salary and also arrears from 1990.

It is the case of the petitioner that he worked as Sub-Staff (Messenger) temporarily in the 3rd respondent Bank at Chodayapalem and Repalle branches and completed 240 days. He was appointed on daily wage basis with a meager remuneration. When his services were discontinued by the respondent-bank, he filed a writ petition No.17333 of 1997 before this Court. The said writ petiton was disposed of directing the respondent to verify as to whether the petitioner had worked for more than 240 days and if he was found to have worked for the said period, preference be given to him for the future recruitment in accordance with Section 25-H of the Industrial Disputes Act. Thereafter, he was engaged intermittently for a short period of 15 days with 10 days gap every month. Again he was discontinued and lastly he was given posting orders on 29.8.1998 and relieved

immediately on 19.9.1998.

The only grievance of the petitioner is that though there was a direction for considering his case for future recruitment in accordance with Section 25-H of the Industrial Disputes Act, the same was not considered by the respondents.

The engagement of the petitioner after disposal of the writ petition itself shows that his case was considered under Section 25-H of the Act. His appointment may be intermittent, but that does not mean that the respondent has not considered his case as required under Section 25-H of the I D Act.

Therefore, no case is made out for issuing any Mandamus. However, if the petitioner's case has already been considered for regular appointment under any other scheme or if he is continued in service as of now, this order will not affect his services.

With the above direction, the writ petition is disposed of. No costs.

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12.07.2006

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